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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,458	07/31/2000	Phillip C. Keslin	1034.00	5371
26111	7590	01/12/2006	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			CUNNINGHAM, GREGORY F	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/629,458	KESLIN, PHILLIP C.	
	Examiner	Art Unit	
	Gregory F. Cunningham	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☒ Claim(s) 10-13 and 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to amendment filed 10/28/2005.
 2. The disposition of the claims is as follows: claims 1-21 are pending in the application.
- Claims 1, 6 and 15 are independent claims.

Claim Rejections - 35 USC § 112

3. In view of the applicant's verbose justification, 112 rejections are withdrawn.

Claim Rejections - 35 USC § 102 and 103

4. In view of applicant's Declaration Under 37 C.F.R. 1.132 and review of cited references, 102 and 103 rejections are withdrawn.

Response to Arguments

5. Applicant's arguments with respect to Affidavit under 37 CFR 1.132 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being disclosed by Nguyen, (US 6,564,250 B1).

A. Nguyen discloses claim 1, “A system for providing a client with access to remote graphics rendering resources at a server [col. 1, Ins. 43-60], the server comprising:

a graphics application, at the server, wherein said graphics application receives commands from the client [col. 2, Ins. 29-55, wherein ‘full web browser 121’ corresponds to “graphics application, at the server” and ‘transmitting web requests entered by a user and transmitted from the from the internet appliance 110 to the server 120’ corresponds to “wherein said graphics application receives commands from the client”]; and

a remote rendering control system, at the server, that receives graphics instructions from said graphics application, generates modified graphics instructions on the basis of said graphics instructions [col. 2, ln. 55 – col. 3, ln. 14], and outputs said modified graphics instructions to the remote graphics rendering resources [col. 3, Ins. 15-28; col. 5, Ins. 28-50]” [as detailed].

B. Nguyen discloses claim 2, “The system of claim 1, wherein said remote rendering control system comprises a transparent interface to said graphics application, and wherein said transparent interface supports initialization of a graphics rendering session and accommodates client parameters during said graphics rendering session” supra for claim 1, wherein ‘web browsers’ inherently possess “a transparent interface” and “support initialization of a graphics rendering session”. Furthermore disclosed in col. 3, ln. 30 col. 4, ln. 52, wherein communication link is adjusted to adapt for limited resources, quality adapted for display updates, compressing, and quality adjustment via dynamic measurement.

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C. Nguyen discloses claim 3, “The system of claim 1, wherein image data is produced from said modified graphics instructions, and wherein said remote rendering control system comprises a data compression module that compresses said image data prior to sending said image data to the client” supra for claim 1 and furthermore in col. 3, lns. 53-67, at ‘compression of the graphic element’ and ‘compressing the text’.

D. Nguyen discloses claim 4, The system of claim 1, wherein said remote rendering control system receives image data generated by the remote graphics rendering resources on the basis of said modified graphics instructions, and sends said image data to the client” supra for claim 1.

E. Nguyen discloses claim 5, “The system of claim 1, wherein said remote rendering control system receives graphics instructions from said graphics application in response to said commands from the client” supra for claim 1.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6 - 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen as applied to claims 1-5 above, further in view of Armentrout et al., (US 6,463,457 B1), hereinafter Armentrout, and further in view of Baldwin (US 6,377,266 B1).

A. Nguyen discloses claim 6, “A method of remote graphics rendering on behalf of a client, comprising the steps of:

- (A) initializing a graphics rendering session;
- (B) starting a graphics application on the basis of a command from the client;
- (C) generating graphics instructions;
- (D) imposing client parameters to produce modified graphics instructions;
- (E) sending the modified graphics instructions to graphics rendering resources;
- (F) rendering graphics on the basis of the modified graphics instructions to produce image data in one or more frame buffers;
- (G) reading image data from the one or more frame buffers;
- (H) enqueueing the image data; and
- (I) transmitting the image data to the client”

supra for claims 1-5.

However, Nguyen does not appear to disclose “enqueueing the image data”, but Armentrout does in col. 21, lns. 46-60.

Nguyen and Armentrout also do not appear to disclose using frame buffers, but Baldwin does in col. 5, lns. 21-23.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply client-server browser disclosed by Nguyen in combination with enqueueing disclosed by Armentrout, and motivated to combine the teachings because it would ‘allow clients who require computational power to specify the characteristics of the power they require’ as revealed by Armentrout in col. 1, lines 54-56, and coupled with frame buffer disclosed by Baldwin, and motivated to couple because it would provide efficient rendering as disclosed by Baldwin in col. 2, lns. 2-3.

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B. Nguyen, Armentrout and Baldwin disclose claim 7, “The method of claim 6, further comprising the step of:

(J) compressing the image data, wherein step (J) is performed after step (H) and before step (I)” supra for claim 6. Wherein first enqueueing, then compression and then transmitting the image data is inherently expressed by Armentrout.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply client-server browser disclosed by Nguyen in combination with first enqueueing, then compression and then transmitting the image data disclosed by Armentrout, and motivated to combine the teachings because it would ‘allow clients who require computational power to specify the characteristics of the power they require’ as revealed by Armentrout in col. 1, lines 54-56, and coupled with frame buffer disclosed by Baldwin, and motivated to couple because it would provide efficient rendering as disclosed by Baldwin in col. 2, lns. 2-3.

C. Nguyen, Armentrout and Baldwin disclose claim 8, “The method of claim 7, wherein steps (F), (J), and (I) are performed in pipeline fashion” and claim 9, “The method of claim 8, wherein steps (F), (J), and (I) are asynchronous” supra for claim 7 and furthermore by Baldwin in col. 5, lns. 11-29.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply client-server browser disclosed by Nguyen in combination with first enqueueing, then compression and then transmitting the image data disclosed by Armentrout, and motivated to combine the teachings because it would ‘allow clients who require computational power to specify the characteristics of the power they require’ as revealed by

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Armentrout in col. 1, lines 54-56, and coupled with frame buffer disclosed by Baldwin, and motivated to couple because it would provide efficient rendering as disclosed by Baldwin in col. 2, Ins. 2-3.

D. Nguyen, Armentrout and Baldwin disclose claim 14, “The method of claim 6, wherein step (D) comprises the steps of :

(x) intercepting every function call that includes a visual capability [Nguyen, col. 1, Ins. 52-56; col. 5, Ins. 15-19];

(xi) converting the visual capability to a corresponding client visual capability [Nguyen, col. 1, Ins. 46-60];

(xii) intercepting every reference to a graphics context [Nguyen, col. 1, Ins. 52-56]; and

(xiii) converting every reference to a graphics context to a reference to a graphics context of the client [Nguyen, col. 5, Ins. 37-42]” supra for claim 6 and [as detailed].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply client-server browser disclosed by Nguyen in combination with enqueueing disclosed by Armentrout, and motivated to combine the teachings because it would ‘allow clients who require computational power to specify the characteristics of the power they require’ as revealed by Armentrout in col. 1, lines 54-56, and coupled with frame buffer disclosed by Baldwin, and motivated to couple because it would provide efficient rendering as disclosed by Baldwin in col. 2, Ins. 2-3.

E. Per independent claim 15, this is directed to a computer program product for performing the method of independent claim 6, and therefore is rejected to independent claim 6.

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F. Per dependent claims 16 and 21, these are directed to a computer program product for performing the method of dependent claims 7 and 14, and therefore are rejected to dependent claims 7 and 14.

Allowable Subject Matter

10. Claims 10-13 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Responses

11. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 872-9306 may be used for formal communications.

Inquiries

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory F. Cunningham whose telephone number is (571) 272-7784.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Cunningham

Examiner

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1/06/2006



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